



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

### ☒ Specific Waiver

<b>SUBJECT</b> Request by <b>Walnut Valley Unified School District</b> to waive <i>Education Code</i> (EC) Section 56362(c): allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students by no more than four students. (32 maximum) <b>Ramona Talampas</b> assigned at <b>CJ Morris Elementary</b> .  Waiver Number: 77-3-2004	<input checked="" type="checkbox"/> <b>Action</b>
	<input checked="" type="checkbox"/> <b>Consent</b>

### RECOMMENDATION

☐ Approval ☒ Approval with conditions ☐ Denial

That the Resource Specialist has an instructional aide available for at least five hours daily during the effective period of the waiver.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Both EC 56101 and *California Code of Regulations* (CCR), Title 5, Section 3100, allow the State Board of Education to approve waivers of resource specialists to exceed the maximum caseload of 28 students by no more than four students. However, there are specific requirements in the regulations that must be met for approval. If these requirements are not met, the waiver is to be denied.

The resource specialist program shall be under the direction of a resource specialist who is a credentialed special education teacher, or who has a clinical services credential with a special class authorization, who has had three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission of Teaching Credentialing and who has demonstrated the competencies for a resource specialist, as established by the Commission on Teacher Credentialing

### SUMMARY OF KEY ISSUES

The waiver stipulates that the following affected resource specialist will have an increase in her caseload from 28 students to 32 students. Ramona Talampas assigned at CJ Morris Elementary has agreed to the increase in her caseload and is looking forward to working with the additional four students. California Department of Education (CDE) staff spoke with union representative Jim Faren, who expressed support for this waiver. On the basis that both the teacher and the union agree to this increase in caseload and that the waiver does not exceed the maximum number of 32 students, CDE staff is recommending approval with conditions as stated above.

**Authority for the Waiver:** EC sections 56101 and CCR, Title 5, Section 3100.

**Bargaining unit(s) consulted on date(s):** April 13, 2004

**Position of bargaining unit(s) (choose only one):**

☐

Neutral

☒

Support

☐

Oppose

**Name of bargaining unit(s)/representative(s):** Jim Faren

**Local board approval date(s):** March 2, 2004

**Period of request:** February 23, 2004, through June 11, 2004

**FISCAL ANALYSIS (AS APPROPRIATE)**

If this waiver is denied, the District will need to employ additional qualified staff or persons with emergency qualifications to provide services to special education students

**BACKGROUND INFORMATION**

Consent Item: Backup materials, waiver request forms and supporting documents are not available for web viewing but are available for inspection in the Waiver Office.